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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. **2013-135**

11 **CHARLES LEE DEREERE, AKA**
12 **CHARLES DEREERE**
13 **51272 Village Edge E, Apt. 30-105**
New Baltimore, MI 48047

A C C U S A T I O N

14 **Registered Nurse License No. 561453**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about December 23, 1999, the Board of Registered Nursing issued Registered
23 Nurse License Number 561453 to Charles Lee Dereere, aka Charles Dereere ("Respondent").
24 The Registered Nurse License expired on June 30, 2003, and has not been renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing ("Board"),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code ("Code") unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

STATUTORY PROVISIONS

5. Section 118, subdivision (b) of the Code provides, in pertinent part:

“(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.”

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

7. Section 2761 of the Code provides, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action ...”

8. Section 2811, subdivision (b) of the Code provides:

“Each such license not renewed in accordance with this section shall expire but may within a period of eight years thereafter be reinstated upon payment of the biennial renewal fee and penalty fee required by this chapter and upon submission of such proof of

1 the applicant's qualifications as may be required by the board,
2 except that during such eight-year period no examination shall be
3 required as a condition for the reinstatement of any such expired
4 license which has lapsed solely by reason of nonpayment of the
5 renewal fee. After the expiration of such eight-year period the board
6 may require as a condition of reinstatement that the applicant pass
7 such examination as it deems necessary to determine his present
8 fitness to resume the practice of professional nursing."

9 REGULATORY PROVISIONS

10 9. California Code of Regulations, title 16, section, 1419.3 provides:

11 "In the event a licensee does not renew his/her license as provided
12 in Section 2811 of the code, the license expires. A licensee
13 renewing pursuant to this section shall furnish a full set of
14 fingerprints as required by and set out in section 1419(b) as a
15 condition of renewal.

16 (a) A licensee may renew a license that has not been expired for
17 more than eight years by paying the renewal and penalty fees as
18 specified in Section 1417 and providing evidence of 30 hours of
19 continuing education taken within the prior two-year period.

20 (b) A licensee may renew a license that has been expired for more
21 than eight years by paying the renewal and penalty fees specified in
22 Section 1417 and providing evidence that he or she holds a current
23 valid active and clear registered nurse license in another state, a
24 United States territory, or Canada, or by passing the Board's current
25 examination for licensure."

26 COST RECOVERY

27 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
28 administrative law judge to direct a licensee found to have committed a violation or violations of
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
enforcement of the case.

29 FIRST CAUSE FOR DISCIPLINE

30 **(Disciplinary Action by the State of Michigan Board of Nursing)**

31 11. Respondent is subject to disciplinary action under Code section 2761, subdivision
32 (a)(4), on the grounds of unprofessional conduct in that Respondent's registered nurse license was
33 disciplined by the State of Michigan Board of Nursing ("Michigan Board").

34 12. On or about June 3, 2009, pursuant to the Consent Order and Stipulation issued by

1 the Michigan Board, in the disciplinary action entitled, *In the Matter of: Charles Lee Dereere*,
2 *R.N. License Number: 47-04-226687*, the Michigan Board placed Respondent's registered nursing
3 license on probation for a period of one year. Among the terms and conditions of probation
4 imposed on Respondent's license were that Respondent attend continuing education, provide his
5 employer with a copy of the disciplinary order, and report any employment changes to the Board.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Unprofessional Conduct)**

8 13. Respondent is subject to disciplinary action under Code section 2761, subdivision
9 (a), in that Respondent committed acts of unprofessional conduct. The conduct is more
10 particularly described in paragraph 12, inclusive, above, and herein incorporated by reference.

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
13 and that following the hearing, the Board of Registered Nursing issue a decision:

14 1. Revoking or suspending Registered Nurse License Number 561453, issued to Charles
15 Lee Dereere, aka Charles Dereere;

16 2. Ordering Charles Lee Dereere, aka Charles Dereere to pay the Board of Registered
17 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to
18 Business and Professions Code section 125.3;

19 3. Taking such other and further action as deemed necessary and proper.
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21

22 DATED: August 23, 2012

23 Louise R. Bailey
24 LOUISE R. BAILEY, M.ED., RN
25 Executive Officer
26 Board of Registered Nursing
27 Department of Consumer Affairs
28 State of California
Complainant

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